

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 23-11131

(Joint Administration Requested)

Hearing Date: October 18, 2023 at 2:00 p.m. (ET)

Objection Deadline: September 22, 2023 at 4:00 p.m. (ET)

**MOTION FOR ENTRY OF AN ORDER  
EXTENDING TIME TO FILE INITIAL RULE 2015.3 REPORTS**

The above-captioned debtors and debtors-in-possession (the “Debtors” or “Amyris”) file this motion (the “Motion”) for the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”): (a) extending the deadline to file their initial reports of financial information in respect of entities in which the Debtors hold a controlling or substantial interest (the “Initial Rule 2015.3 Reports”) through and including November 10, 2023 (*i.e.*, an additional sixty (60) days), without prejudice to the Debtors’ right to request additional time to file their Initial Rule 2015.3 Reports; and (b) granting related relief. In support of this Motion, the Debtors rely upon and refer this Court to the *Declaration of Han Kieftenbeld in Support of the Debtors’ Chapter 11 Petitions and First Day Relief* (the “First Day Declaration”), incorporated herein by reference.<sup>2</sup> In further support of the Motion, the Debtors respectfully represent as follows:

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<sup>1</sup> A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the First Day Declaration.

### **JURISDICTION AND VENUE**

1. The United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to the United States Bankruptcy Court for the District of Delaware (the “Court”) under 28 U.S.C. § 157 pursuant to the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Debtors confirm their consent pursuant to Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are Rules 1007(c), 2015.3, and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule 1007-1(b).

### **BACKGROUND**

4. On August 9 and August 21, 2023 (as applicable, the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”). The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in the Chapter 11 Cases.

5. On August 27, 2023, the Office of the United States Trustee (the “U.S. Trustee”) appointed an Official Committee of Unsecured Creditors (the “Creditors Committee”) including the following: U.S. Bank Trust Co. NA; Cosan U.S. Inc.; Sartorius Stedim North America Inc.; Hearst Magazine Media Inc.; Wiley Companies; Park Wynwood LLC; and Allog Participacoes Ltda.

6. The Chapter 11 Cases are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b) and Local Rule 1015-1.

7. Amyris was founded in 2003 to create a more stable supply of a key anti-malarial treatment. Through Amyris’s cutting-edge science, artemisinin—the most effective anti-malarial drug in the world—is now consistently available to treat the deadly disease. Using the same technological innovations that produced artemisinin, Amyris has become the world’s leading manufacturer of ingredients made with synthetic biology. Amyris provides sustainable ingredients that are eco-friendly alternatives to raw material sourced for flavors and fragrances, sweeteners, cosmetics, pharmaceuticals, and other consumer products.

8. In addition, Amyris also has developed and launched a family of clean beauty brands that utilize the natural and sustainable ingredients that Amyris produces. The Company sells these clean beauty products through direct-to-consumer e-commerce platforms and a network of retail partners, including Sephora, Target, and Walmart.

9. A detailed description of the Debtors’ business and facts precipitating the filing of the Chapter 11 Cases are set forth in the First Day Declaration.

### **RELIEF REQUESTED**

10. The Debtors respectfully request entry of the Proposed Order: (a) extending the deadline to file their initial reports of financial information in respect of entities in which the

Debtors hold a controlling or substantial interest (the “Initial Rule 2015.3 Reports”) through and including November 10, 2023 (*i.e.*, an additional sixty (60) days), without prejudice to the Debtors’ right to request additional time to file their Initial Rule 2015.3 Reports; and (b) granting related relief.<sup>3</sup>

### **BASIS FOR RELIEF**

11. Pursuant to Bankruptcy Rule 2015.3, a chapter 11 debtor must file, no later than seven days before the date set for the meeting of creditors pursuant to section 341 of the Bankruptcy Code and no less than every six months thereafter, “periodic financial reports of the value, operations and profitability of each entity that is not a publicly traded corporation or a debtor in a case under title 11, and in which the estate holds a substantial or controlling interest.” Fed. R. Bankr. P. 2015.3(a). The U.S. Trustee has scheduled the meeting of creditors for September 18, 2023. Therefore, pursuant to Bankruptcy Rule 2015.3(b), the deadline for the Debtors to file the Initial 2015.3 Reports is September 11, 2023.

12. Bankruptcy Rule 9006(b)(1) provides the Court with the ability to enlarge the period of time to file the Initial Rule 2015.3 Reports “for cause.” Bankruptcy Rule 2015.3(d) also provides the Court with the ability, after notice and a hearing, to modify the reporting requirements for cause, including that the debtor is “not able, after a good faith effort, to comply with those reporting requirements, or that the information . . . is publicly available.” Fed. R. Bankr. P. 2015.3(d). In evaluating this request, the Court should consider the following factors: (a) the number of entities and the complexity of the Debtors’ operations; (b) the time and resources

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<sup>3</sup> Pursuant to Local Rule 9006-2, the filing of this Motion before the expiration of the current deadline to file the Initial Rule 2015.3 Reports automatically extends such deadline until such time as the Court rules on this Motion. *See* Del. Bankr. L.R. 9006-2.

that must be devoted by the Debtors' financial advisors and other professionals; and (c) the costs to the Debtors' estates.

13. The Debtors submit that sufficient cause exists for the Court to grant the Debtors an extension of the deadline to file the Initial Rule 2015.3 Reports. Debtor Amyris, Inc. has 17 non-debtor subsidiaries that fall within the reporting requirements of Bankruptcy Rule 2015.3. Gathering the requisite information for these subsidiaries has been a time-consuming process, particularly in light of the numerous burdens imposed on the Debtors' management by the Debtors' transition into chapter 11 while operating the Debtors' business on a day-to-day basis. Since the Petition Date, the Debtors have filed numerous motions and applications, responded to requests from the U.S. Trustee, the Committee, and other parties, continued their marketing process, and commenced preparation of other schedules and reports required by the Bankruptcy Code and the Bankruptcy Rules, among other things. The magnitude of these tasks over the past month supports an extension of the deadline to file the Initial Rule 2015.3 Reports.

14. The Debtors submit that the relief requested herein will not prejudice or adversely affect the rights of the Debtors' creditors or other parties in interest. Rather, the Debtors believe that the requested extension will aid the Debtors' efforts to ensure the accuracy and completeness of the Initial Rule 2015.3 Reports, which in turn will promote the efficient administration of the Chapter 11 Cases and ultimately benefit the Debtors' creditors and all parties in interest.

15. Accordingly, the Debtors request that the Court extend the current deadline to file the Initial Rule 2015.3 Reports by sixty (60) days, to and including November 10, 2023, without prejudice to the Debtors' right to request further extensions or modifications to their reporting requirements under Bankruptcy Rule 2015.3.

**NOTICE**

16. The Debtors will provide notice of this Motion to: (a) the Office of the U.S. Trustee for the District of Delaware; (b) counsel to the Committee; (c) counsel to the DIP Lenders, DIP Agent, and the Foris Prepetition Secured Lenders; (d) co-counsel to the DIP Lenders, the DIP Agent, and the Foris Prepetition Secured Lenders; and (e) any party that requests service pursuant to Bankruptcy Rule 2002. The Debtors respectfully submit that no further notice is required.

*[Remainder of Page Intentionally Left Blank]*

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: September 8, 2023

**PACHULSKI STANG ZIEHL & JONES LLP**

*/s/ James E. O'Neill*

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